



Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

May 14, 2025

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**VIA FED EX**

**WARNING LETTER**

To Whom This May Concern:

The staff of the Federal Trade Commission's Division of Advertising Practices received a complaint asserting that your office failed to automatically provide a patient with their prescription immediately after completion of their refractive exam or their contact lens fitting. Such practices, if they occurred, violate the FTC's Ophthalmic Practice Rules,<sup>1</sup> known as the Eyeglass Rule, and/or the Contact Lens Rule,<sup>2</sup> (collectively, the "Rules"), which require prescribers to provide a copy of the prescription *even if the patient does not request the prescription*, and prohibit prescribers from charging any fee in addition to the examination or fitting fee as a condition to releasing the prescription.<sup>3</sup> Violations of these Rules can result in civil penalties of up to \$53,088 per violation.

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<sup>1</sup> 16 C.F.R. Part 456.

<sup>2</sup> 16 C.F.R. Part 315. A violation of the Contact Lens Rule is also a violation of the Fairness to Contact Lens Consumers Act, 15 U.S.C. § 7601 et seq.

<sup>3</sup> A prescriber may require a patient to pay for the exam before releasing a copy of the prescription, but only if the prescriber also requires immediate payment from patients whose exams reveal no need for corrective eyewear. Under the Rules, a patient's proof of insurance coverage for the examination qualifies as payment. Payment of the refractive exam or contact-lens-fitting fee is all that is required to receive the prescription; prescribers cannot withhold prescriptions until a patient has satisfied their entire bill, including charges for eyeglasses or contact lenses. A prescriber who routinely performs refractions but only writes prescriptions and charges fees when the patient wants a prescription copy is effectively charging for releasing the prescription, which does not comply with the Rule. Except in instances where it is a prescriber's medical judgment that a patient should not wear corrective eyewear, if a prescriber performs a full refractive exam as defined in the Rule, and the patient does not owe them money for the

In addition, the Rules prohibit prescribers from:

- requiring that patients buy ophthalmic goods as a condition for releasing the prescription;
- requiring patients to sign a waiver or release as a condition for releasing the prescription;
- refusing to perform an eye exam unless the patient purchases ophthalmic goods from the prescriber.

The Rules further require that all prescribers who (a) provide patients with a paper copy of their prescription<sup>4</sup> and (b) have a financial interest in the sale of prescription eyewear, request that their patients confirm—in writing or electronically—receipt of their prescription, and that such prescribers maintain records or evidence of such confirmations for not less than three years.<sup>5</sup> Prescribers can use confirmations to establish compliance with the Rules' prescription-release requirements.

The Rules were created to facilitate competition by enabling consumers to comparison-shop by automatically putting prescriptions in their hands before they buy corrective eyewear. As such, prescribers are not in compliance with the Rules if, following a refractive exam or completion of a contact lens fitting, they do any of the following:

- wait for the consumer to *ask* for their prescription before giving it to them;
- ask if patients want a copy of their prescription and only provide it if the patients say yes;
- promise to provide a patient's prescription at a later date or time;
- wait until the patient has shopped for corrective eyewear in their optical dispensary before providing them their prescription;<sup>6</sup>

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exam, the prescriber must release the prescription to the patient, regardless of the intent of the exam or whether the prescriber charged for it.

<sup>4</sup> Prescribers who deliver prescriptions to patients digitally, such as via portal, email, or text, are not required to obtain patient confirmation, but should instead retain evidence of prescription delivery. But prescribers can only rely on digital delivery if they have first obtained a patient's verifiable affirmative consent to receive their prescription via the method offered, and prescribers must retain a record of such consent.

<sup>5</sup> The confirmation requirement for the Eyeglass Rule became effective on September 26, 2024.

<sup>6</sup> Furthermore, the fact that a patient has purchased glasses or contacts from their prescriber immediately following their exam does not mean that the patient may not want or need to purchase glasses or contacts from a different provider at a later point, and thus it should never be assumed that a patient no longer *needs* a copy of their prescription.

- provide prescriptions that are incomplete or cannot be used to purchase corrective eyewear elsewhere;<sup>7</sup>
- require that a patient physically return to the prescriber's office to collect a prescription copy (such as after a contact lens trial);
- state that the prescription is available via portal and refuse to provide a paper copy, even when the patient does not agree to digital delivery of their prescription;
- fail to provide a prescription because the refractive exam was purportedly for diagnostic purposes only; or
- fail to provide a prescription copy because the patient's prescription hasn't changed.

Furthermore, asking patients to sign prescription-confirmations at any time before they have actually received a copy of their prescriptions (such as asking for confirmation signatures as part of pre-office-visit paperwork) is also non-compliant and in violation of the Rules.

This letter is based on a consumer complaint and does not reflect a formal assessment as to whether you have engaged in acts or practices that violate the Rules. If you have, however, you are advised to immediately cease and desist. Should the FTC receive additional reports of non-compliance following this notification, this could result in legal action, including the issuance of Civil Investigative Demands (administrative subpoenas), the filing of a federal lawsuit, and imposition of civil penalties of up to \$53,088 per violation.

You should immediately review the Rules and revise your practices, if necessary, to ensure compliance with the Rules' requirements. For your reference, you may find guidance produced by the FTC, "*Complying with the Eyeglass Rule*" and "*The Contact Lens Rule: A Guide for Prescribers and Sellers*" on our web site at <https://www.ftc.gov/business-guidance/resources/complying-eyeglass-rule> and <https://www.ftc.gov/tips-advice/business-center/guidance/contact-lens-rule-guide-prescribers-sellers>.

If you are part of a multi-office practice group or corporate chain of optometry or ophthalmology centers, please deliver this warning letter to the person or entity in charge of policies and practices pertaining to compliance with the Rules for your office and any related offices. If such policies and practices are managed by a centralized entity or contracted party that oversees multiple offices, please notify that entity or party that this notice applies to all offices under its supervision.

**Within 5 business days of receipt of this letter**, send an electronic mail to Alysa Bernstein and Paul Spelman at [abernstein@ftc.gov](mailto:abernstein@ftc.gov) and [pspelman@ftc.gov](mailto:pspelman@ftc.gov) identifying the person or entity in charge of relevant policies and practices for your office and any related offices, confirming you've delivered this letter to such person or entity, and describing the specific action(s) planned to address the reported violations. For any questions, please contact Ms. Bernstein at (202) 326-3289 or Mr. Spelman at (202) 758-5098.

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<sup>7</sup> The Rules specify what constitutes a complete prescription. *See* 16 C.F.R. § 456.1 and 16 C.F.R. § 315.2.

Company name

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Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in black ink, reading "Serena Viswanathan" followed by a long, horizontal, slightly wavy flourish.

Serena Viswanathan  
Associate Director  
Division of Advertising Practices